

AMENDED IN SENATE JUNE 15, 2006

AMENDED IN ASSEMBLY APRIL 25, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2309

Introduced by Assembly Member Negrete McLeod

February 22, 2006

~~An act relating to county employees retirement.~~ *An act to amend Section 6159 of the Government Code, relating to payments to public agencies.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2309, as amended, Negrete McLeod. ~~County employees retirement; deferred retirement option programs.~~ *Payments to public agencies.*

Existing law authorizes a public agency to accept payment for designated obligations by credit card, debit card, or electronic funds transfer, subject to approval by the governing body of the agency or other appropriate entity, as specified.

This bill would authorize, subject to approval of the county board of supervisors, the acceptance by credit card, debit card, or electronic funds transfer of any moneys payable to the sheriff pursuant to a levy under a writ of attachment or writ of execution.

~~The County Employees Retirement Law of 1937 prescribes retirement benefits for members of specified county and district retirement systems. Existing law establishes the Deferred Retirement Option Program as an optional benefit program for specified safety members of those systems that, by ordinance or resolution by the county board of supervisors or the governing body, elect to adopt it.~~

~~This bill would request the Board of Retirement of the Los Angeles County Employees Retirement Association to conduct a study of the benefits and the detriments of different types deferred retirement programs for Los Angeles County safety personnel.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6159 of the Government Code is
2 amended to read:
3 6159. (a) As used in this section:
4 (1) “Credit card” means any card, plate, coupon book, or other
5 credit device existing for the purpose of being used from time to
6 time upon presentation to obtain money, property, labor, or
7 services on credit.
8 (2) “Card issuer” means any person, or his or her agent, who
9 issues a credit card and purchases credit card drafts.
10 (3) “Cardholder” means any person to whom a credit card is
11 issued or any person who has agreed with the card issuer to pay
12 obligations arising from the issuance of a credit card to another
13 person.
14 (4) “Debit card” means a card or other means of access to a
15 debit cardholder’s account that may be used to initiate electronic
16 funds transfers from that account.
17 (5) “Draft purchaser” means any person who purchases credit
18 card drafts.
19 (6) “Electronic funds transfer” means any method by which a
20 person permits electronic access to, and transfer of, money held
21 in an account by that person.
22 (b) Subject to subdivisions (c) and (d), a court, city, county,
23 city and county, or other public agency may authorize the
24 acceptance of a credit card, debit card, or electronic funds
25 transfer for any of the following:
26 (1) The payment for the deposit of bail for any offense not
27 declared to be a felony or for any court-ordered fee, fine,
28 forfeiture, penalty, or assessment. Use of a card or electronic
29 funds transfer pursuant to this paragraph may include a
30 requirement that the defendant be charged any administrative fee

1 charged by the company issuing the card or processing the
2 account for the cost of the transaction.

3 (2) The payment of a filing fee or other court fee.

4 (3) The payment of any towage or storage costs for a vehicle
5 that has been removed from a highway, or from public or private
6 property, as a result of parking violations.

7 (4) The payment of child, family, or spousal support, including
8 reimbursement of public assistance, related fees, costs, or
9 penalties, with the authorization of the cardholder or
10 accountholder.

11 (5) The payment for services rendered by any city, county, city
12 and county, or other public agency.

13 (6) The payment of any fee, charge, or tax due a city, county,
14 city and county, or other public agency.

15 (7) *The payment of any moneys payable to the sheriff*
16 *pursuant to a levy under a writ of attachment or writ of*
17 *execution.*

18 (c) A court desiring to authorize the use of a credit card, debit
19 card, or electronic funds transfer pursuant to subdivision (b) shall
20 obtain the approval of the Judicial Council. A city desiring to
21 authorize the use of a credit card, debit card, or electronic funds
22 transfer pursuant to subdivision (b) shall obtain the approval of
23 its city council. Any other public agency desiring to authorize the
24 use of a credit card, debit card, or electronic funds transfer
25 pursuant to subdivision (b) shall obtain the approval of the
26 governing body that has fiscal responsibility for that agency.

27 (d) After approval is obtained, a contract may be executed
28 with one or more credit card issuers, debit card issuers, electronic
29 funds transfer processors, or draft purchasers. The contract shall
30 provide for:

31 (1) The respective rights and duties of the court, city, county,
32 city and county, or other public agency and card issuer, funds
33 processor, or draft purchaser regarding the presentment,
34 acceptability, and payment of credit and debit card drafts and
35 electronic funds transfer requests.

36 (2) The establishment of a reasonable means by which to
37 facilitate payment settlements.

38 (3) The payment to the card issuer, funds processor, or draft
39 purchaser of a reasonable fee or discount.

1 (4) Any other matters appropriately included in contracts with
2 respect to the purchase of credit and debit card drafts and
3 processing of electronic funds transfer requests as may be agreed
4 upon by the parties to the contract.

5 (e) The honoring of a credit card, debit card, or electronic
6 funds transfer pursuant to subdivision (b) hereof constitutes
7 payment of the amount owing to the court, city, county, city and
8 county, or other public agency as of the date the credit or debit
9 card is honored or the electronic funds transfer is processed,
10 provided the credit or debit card draft is paid following its due
11 presentment to a card issuer or draft purchaser or the electronic
12 funds transfer is completed with transfer to the agency requesting
13 the transfer.

14 (f) If any credit or debit card draft is not paid following due
15 presentment to a card issuer or draft purchaser or is charged back
16 to the court, city, county, city and county, or other public agency
17 for any reason, any record of payment made by the court, city, or
18 other public agency honoring the credit or debit card shall be
19 void. If any electronic funds transfer request is not completed
20 with transfer to the agency requesting the transfer or is charged
21 back to the agency for any reason, any record of payment made
22 by the agency processing the electronic funds transfer shall be
23 void. Any receipt issued in acknowledgment of payment shall
24 also be void. The obligation of the cardholder or accountholder
25 shall continue as an outstanding obligation as if no payment had
26 been attempted.

27 (g) Notwithstanding Title 1.3 (commencing with Section
28 1747) of Part 4 of Division 3 of the Civil Code, a court, city,
29 county, city and county, or any other public agency may impose
30 a fee for the use of a credit or debit card or electronic funds
31 transfer, not to exceed the costs incurred by the agency in
32 providing for payment by credit or debit card or electronic funds
33 transfer. These costs may include, but shall not be limited to, the
34 payment of fees or discounts as specified in paragraph (3) of
35 subdivision (d). Any fee imposed by a court pursuant to this
36 subdivision shall be approved by the Judicial Council. Any fee
37 imposed by any other public agency pursuant to this subdivision
38 for the use of a credit or debit card or electronic funds transfer
39 shall be approved by the governing body responsible for the
40 fiscal decisions of the public agency.

1 (h) Fees or discounts provided for under paragraph (3) of
2 subdivision (d) shall be deducted or accounted for prior to any
3 statutory or other distribution of funds received from the card
4 issuer, funds processor, or draft purchaser to the extent not
5 recovered from the cardholder or accountholder pursuant to
6 subdivision (g).

7 (i) The Judicial Council may enter into a master agreement
8 with one or more credit or debit card issuers, funds processors, or
9 draft purchasers for the acceptance and payment of credit or debit
10 card drafts and electronic funds transfer requests received by the
11 courts. Any court may join in any of these master agreements or
12 may enter into a separate agreement with a credit or debit card
13 issuer, funds processor, or draft purchaser.

14 ~~SECTION 1. The Legislature requests the Board of~~
15 ~~Retirement of the Los Angeles County Employees Retirement~~
16 ~~Association to conduct a study of the benefits and the detriments~~
17 ~~of different types of deferred retirement programs for Los~~
18 ~~Angeles County safety personnel.~~